IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 205 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in W.P.M.P Nos. 23073 and 23074 of 2004 in WP NO : 17615 OF 2004 on the file of the High Court.)

Between:

1 Ch. Shyam Kiran, S/o Chandravardhan,
R/o H.No. 2-6-1531, Chandra Complex,

Near Sumangali Function Hall,

Waddepally, Hanumakonda, Warangal.
2 Ch. Madhav, S/o Chandravardhan,
R/o H.No. 2-6-1531, Chandra Complex,

Near Sumangali Function Hall,
Waddepally, Hanumakonda, Warangal.

..... APPELLANTS

AND

1 Prathapagiri Chinna Komaraiah, s/o Ramaiah,
R/o 8-3-16, Mahendra Street, Lalji Yards,

Warangal, Warangal District.
2 Prathapagiri Eshwaraiah, s/o Ramaiah,
R/o 8-3-16, Mahendra Street, Lalji Yards,

Warangal, Warangal District.
3 The Andhra Pradesh Industrial Infrastructure

Corporation Limited, Rep. by its Managing Director,
Parisrama Bhavan, Basheerbagh, Hyderabad.

4 The Zonal Manager, Andhra Pradesh Industrial

Infrastructure Corporation Ltd, Zonal Office,

Industrial Estate, Warangal.

5 The Collector, Subedari, Warangal District, Warangal.

6 The Commissioner, Warangal Autonagar Municipal

Corporation, Industrial Estate, Mulugu Road, Warangal.

.....RESPONDENTS

For the Appellants: MR. S.LAKSHMA REDDY, Advocate.

For Respondent No.1 and 2: Mr.C. Ramanand, Advocate.

For Respondent Nos.3 and 4: Mr. Madan Mohan Rao, Advocate.

For Respondent No.5 and 6: GP FOR REVENUE

The Court made the following:

JUDGEMENT: (per Sri B. Sudershan Reddy, J)

The question that falls for consideration in the main writ petition is as to whether the decision of the respondent - Corporation in alienating the property in question in favour of the writ appellants is valid in law?

It may not be possible for this Court to express any opinion on the said question in this writ appeal, which arises out of the interlocutory order passed by the learned single Judge restraining the appellants herein from making any constructions or alienations of the lands allotted by the Corporation.

The appellants herein today filed an unconditional undertaking in this Court stating that in the event of the writ petition being allowed by this Court, they will not claim any equity whatsoever in the matter and claim any compensation for the construction made by them in the land in question. It is also stated that the appellants have laid the first floor slab and the construction is at that stage.

In the light of the undertaking given by the appellants, we modify the order passed by the learned single Judge and accordingly restrain the appellants herein from

alienating the property or any portion thereof in any manner whatsoever or creating any third party interest in the property. However, the appellants are at liberty to proceed with the construction at their own risk, which shall be subject to further orders to be passed in the writ petition. The order under appeal is accordingly modified to the limited extent.

Having regard to the nature of controversy, we consider it appropriate to direct the Registry to obtain suitable directions from the Hon'ble the Chief Justice and post the writ petition for final hearing on the top of the list on 28-02-2005. Liberty is given to the parties to make a mention for hearing of the writ petition.

The Writ Appeal is accordingly disposed of.

(B. Sudershan Reddy, J)

22-02-2005

(C.V. Ramulu, J)

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Note: Furnish copy by tomorrow.

B/O

To

1. The Managing Director, the Andhra Pradesh

Industrial Infrastructure Corporation Limited,
Parisrama Bhavan, Basheerbagh, Hyderabad.

2 The Zonal Manager, Andhra Pradesh Industrial

Infrastructure Corporation Ltd, Zonal Office,

Industrial Estate, Warangal.

3. The Collector, Subedari, Warangal District, Warangal.

4 The Commissioner, Warangal Autonagar Municipal

Corporation, Industrial Estate, Mulugu Road, Warangal.

5. Two CCs to the Government Pleader for Revenue,

High Court of Andhra Pradesh, Hyderabad (OUT).

6. Two CD copies.

7. The SO, Writ Filing Section, High Court of A.P, Hyderabad.

8. The SO. Posting Section, High Court of A.P, Hyderabad.